

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN ALFRED GOBERT,

Defendant.

**CR-11-47-GF-BMM**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on February 26, 2019. (Doc. 131.) The United States accused Defendant Kevin Alfred Gobert of violating his conditions of supervised release by: 1) failing to report for substance abuse testing; 2) failing to report for substance abuse treatment; 3) failing to report to his probation officer as directed; 4) failing to report for sex offender treatment; 5) failing to notify his probation officer of a change in residence; and 6) failing to comply with his sex offender registration requirements. (Doc. 128 at 2-4.) Gobert admitted to violation numbers one through five. (Doc. 134 at 3.) The Government failed to meet its burden of proof with respect to violation number six. *Id.*

Judge Johnston entered Findings and Recommendations on February 27, 2019. (Doc. 134.) Judge Johnston recommended that the Court revoke Jackson's supervised release. *Id.* at 3. Judge Johnston recommended that the Court commit Jackson to the custody of the Bureau of Prisons for 6 months followed by 32 months of supervised release. *Id.* Judge Johnston further recommended that the supervised release conditions imposed previously should be continued. *Id.*

Gobert waived his right to object to Judge Johnston's Findings and Recommendations. (Doc. 135.) The Government did not file an objection. The Court will review Judge Johnston's Findings and Recommendations for clear error. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no clear error in Judge Johnston's Findings and Recommendations. Gobert's violations represent a serious breach of the Court's trust. A custodial sentence of 6 months followed by 32 months supervised release, is a sufficient, but not greater than necessary sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 134) is **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant Keith Alfred Gobert is sentenced to 6 months imprisonment follow by 32 months of supervised release.

DATED this 1<sup>st</sup> day of March, 2019.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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Brian Morris  
United States District Court Judge